

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave. N.W., MS 2090
Washington, DC 20529-2090
**U.S. Citizenship
and Immigration
Services**



PUBLIC COPY



L1

Date: JAN 09 2012 Office: HARTFORD

FILE:



IN RE: Applicant:



APPLICATION: Application for Adjustment from Temporary to Permanent Resident Status under Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. If your appeal was sustained, or if your case was remanded for further action, you will be contacted. If your appeal was dismissed, you no longer have a case pending before this office, and you are not entitled to file a motion to reopen or reconsider your case.

Elizabeth McCormack

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The application for adjustment from temporary to permanent resident status in the legalization program was denied by the Director of the Hartford office, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director denied the adjustment application because the applicant's temporary resident status had been terminated, and the applicant was therefore not eligible for adjustment to permanent resident status. The director terminated the applicant's temporary resident status because the applicant had not established that she had continually resided in the United State since before January 1, 1982. More specifically, the director terminated the applicant's temporary resident status because she had failed to overcome her prior inconsistent statement that she worked in Jamaica from 1978 to 1986 and that her first entry into the United States was on September 13, 1986.

On appeal, the applicant submits additional evidence in support of her claim of continuous residence in the United States during the requisite period. She did not address the inconsistencies in her testimony.

An alien whose temporary resident status has been terminated under 8 C.F.R. § 245a.2(u) is ineligible for adjustment from temporary to permanent resident status. 8 C.F.R. § 245a.3(c)(5).

The applicant appealed the termination of her temporary residence; and her appeal was sustained.¹ The director subsequently terminated the applicant's temporary resident status. She did not appeal the latter decision to terminate her temporary resident status.

The applicant is not a temporary resident. Therefore, she is ineligible for adjustment from temporary to permanent resident status.

ORDER: The appeal is dismissed. This decision constitutes a final notice of ineligibility for adjustment from temporary to permanent resident status.

¹ The AAO notes that the applicant was placed in removal proceedings and ordered deported on September 10, 1987.